

FRANCHISE TAX BOARD  
MINUTES  
DECEMBER 4, 2006 MEETING – (1:30 p.m.)

The Franchise Tax Board met in open session at 1:30 p.m. at the State Board of Equalization, 450 N Street, Hearing Room 121, Sacramento, California. Present were Hon. Steve Westly, Deputy Controller Marcy Jo Mandel, Hon. John Chiang, and Hon. Michael C. Genest.

**Franchise Tax Board**

**Staff Participating:** Selvi Stanislaus, John W. Davies, Patrick Kusiak, Ben Miller, Debbie Newcomb, Brian Putler, and Colleen Berwick.

**Others Participating:** Roland Boucher, United Californians for Tax Reform; William Lowell; David Doerr, California Taxpayers' Association; Gina Rodriquez, Spidell Publishing; Richard E.V. Harris, Attorney at Law; Vicki Mulak, California Society of Enrolled Agents; Lenny Goldberg, California Tax Reform Associates.

**Note: All Agenda Items, with the exception of Item 4., Taxpayer Bill of Rights Hearing, and Closed Session, were dealt with at the Franchise Tax Board Meeting, held at 9:30 a.m., December 4, 2006, at the Franchise Tax Board, Gerald Goldberg Auditorium, 9646 Butterfield Way, Sacramento, California.**

Chair Westly announced the Board would go directly into closed session to discuss pending litigation and administrative settlements.

Open session reconvened at 2:35 p.m. Deputy Controller Marcy Jo Mandel, representing Hon. Steve Westly, assumed responsibility as chair.

Chief Counsel John W. Davies announced the Board had approved an appeal in *Ventas Finance I, LLC v. Franchise Tax Board* and that, in view of the significant financial impact to the budget of adverse final decisions in the LLC cases, interested parties meetings would be held to consider refunds, the necessity of a claims bill, and related matters. Member Genest indicated other types of solutions should be explored.

**Item 4. – Taxpayers' Bill of Rights Hearing**

See attached Taxpayers' Bill of Rights Hearing, Franchise Tax Board, Minutes, December 4, 2006.

The meeting was adjourned at 3:22 p.m.

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Board Liaison

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Date